

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

AMIE LITTLEFIELD )

Plaintiff, )

v. )

No. 4:21-CV-00304-SEP

AMERICAN ALTERNATIVE INSURANCE )  
CORPORATION, )

Defendant. )

**ORDER**

This matter is before the Court on the Court's own motion. On September 24, 2021, counsel for both parties in this case filed a Joint Motion to Compel the production of certain documents believed to be in State Farm's possession. Doc. 19. In June 2021, State Farm had confirmed the existence of a policy in Plaintiff's name. Doc. 19-1 at 2. Counsel served State Farm with a subpoena on June 23, 2021, requesting production of documents pertaining to Plaintiff's uninsured motorist coverage through the personal auto policy. Doc. 19-2. The subpoena requested production be made by July 7th. *Id.* State Farm did not comply with the production request. Doc. 19-1 at 2-3.

On July 30, 2021, State Farm's Personal Lines Auto Underwriting Department issued a letter stating they could not locate records for Plaintiff's policy. Doc. 19-1 at 2. Counsel for both parties have advised, however, that the subpoena was not limited to the underwriting department. *Id.* On August 19, 2021, counsel for both parties spoke with a State Farm employee, identified only as "Lois Anne," who referenced the July 30 letter and stated that the claims department was also working on a response to the subpoena. *Id.* Since that contact, State Farm has neither responded nor produced the requested documents. *Id.* at 2-3. The parties believe they cannot proceed without State Farm's cooperation.

Thus, on September 24, 2021, the parties' Joint Motion to Compel requested, *inter alia*, that this Court issue an order to show cause why State Farm should not be held in contempt for failure to comply with the ~~S~~subpoena. Doc. 19. The Court granted that request and set a show cause hearing for October 14, 2021. Doc. 22. A certified letter containing the Order to Show

Cause, which included the date, time, and Zoom link for the hearing, was mailed to the State Farm Custodian of Records on September 28, 2021. Doc. 22-1. On October 14, 2021, counsel for both parties appeared for the hearing. State Farm made no appearance. Doc. 25.

The Court therefore finds State Farm in contempt and grants the parties attorneys' fees and costs associated with enforcement of the subpoena, as well as the additional relief requested in their Joint Motion to Compel. *See* Fed. R. Civ. Proc. 45(g) ("The court for the district where compliance is required . . . may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it."). The Court finds that State Farm has waived all objections to the parties' Subpoena and must produce documents responsive to the Subpoena within twenty (20) days of this Order. The Court further finds that the imposition of a prospective, conditional fine for each day that State Farm fails to comply with the Court's Order is reasonable and necessary in order to secure compliance. Accordingly, failure to timely comply with this Order will result in monetary sanctions assessed daily until compliance is effected.

Accordingly,

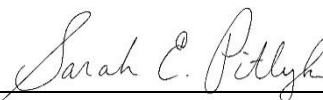
**IT IS HEREBY ORDERED** that State Farm has waived all objection to the parties' June 23, 2021, Subpoena requesting documents related to Plaintiff's insurance policy.

**IT IS FURTHER ORDERED** that the Custodian of Records of State Farm Mutual Automobile Insurance Company, located at One State Farm Plaza, Bloomington, IL 61710, shall produce documents responsive to the Subpoena without objection within twenty (20) days of this Order.

**IT IS FURTHER ORDERED** that State Farm shall pay the reasonable fees and costs incurred by the parties in preparing and filing their Joint Motion to Compel. Counsel for both parties have until October 29, 2021, to file their requests for costs and fees.

**IT IS FINALLY ORDERED** that, if State Farm fails to comply with this Order within twenty (20) days, it shall be assessed an initial fine of \$100 per day, with that amount to double every seven (7) days, until compliance is effected.

Dated this 18th day of October, 2021.



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SARAH E. PITLYK  
UNITED STATES DISTRICT JUDGE